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On August 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

13035. Adulteration of shell eggs. U. S. v. 1 Case of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19027. I. S. No. 18411-v. S. No. C-4467.)

On or about July 31, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 case of eggs, at Mobile, Ala., alleging that the article had been shipped by Ellis & Chapman, from Waynesboro, Miss., July 29, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Ellis & Chapman Waynesboro, Miss."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of decomposed eggs.

On August 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

13036. Adulteration of tomato catsup. U. S. v. 68 Cases of Brooks Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18445. I. S. No. 9223-v. S. No. C-4311.)

On March 4, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 cases of tomato catsup, at Cleveland, Ohio, alleging that the article had been shipped by the Brooks Tomato Products Co., from Shirley, Ind., on or about October 31, 1923, and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brooks Tomato Catsup * * * M'fg. By Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 4, 1924, the Brooks Tomato Products Co., Collinsville, Ind., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture*.

13037. Adulteration and misbranding of ground mixed feed barley. U. S. v. 140 Bags of Ground Mixed Feed Barley. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18288. I. S. No. 9193-v. S. No. C-4269.)

On February 2, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 bags of ground mixed feed barley, at Lexington, Ohio, alleging that the article had been shipped by the Cokato Milling Co., Minneapolis, Minn., on or about November 9, 1923, and transported from the State of Minnesota into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Ajax Ground Mixed Feed Barley * * * Protein 11% * * * Manufactured By Cokato Milling Co., Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that it was deficient in protein and contained oats and screenings, which had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement, "Ground Mixed Barley Protein 11%," which was false and misleading and

deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 15, 1925, the Lexington Elevator & Mill Co., Lexington, Ohio, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13038. Adulteration and misbranding of grape soda water flavor. U. S. v. 2 Barrels and 25 Jugs of Cosco Soluble Grape Soda Water Flavor. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 18903. I. S. Nos. 18881-v, 18882-v. S. No. C-4454.)

On August 11, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 barrels and 25 jugs of Cosco soluble grape soda water flavor, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Sethness Co., Chicago, Ill., June 27, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cosco Guaranteed by Sethness Company Chicago, Soluble Grape Soda Water Flavor contains added flavoring products identified in grapes, artificially colored."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Soluble Grape Soda Water Flavor" was false and misleading and deceived and misled the purchaser, and in that it was an imitation of another article.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13039. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18405. I. S. No. 15057-v. S. No. E-4747.)

On February 21, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of cottonseed meal, consigned November 21, 1923, remaining in the original unbroken packages at Front Royal, Va., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Empire Choice Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the statements appearing in the label, "Choice" and "Guaranteed Analysis Protein not less than 41.12% Equivalent to Ammonia 8.00%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 2, 1924, the International Vegetable Oil Co., Raleigh, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*